

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PORTON CAPITAL, INC.,
Plaintiff

v.

CHARLES R. KUMMETH,
Defendant.

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) Misc. Civil Action No. _____
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DECLARATION OF MATTHEW M. LELAND IN SUPPORT OF PORTON CAPITAL,
INC.'S APPLICATION FOR AN ORDER DIRECTING CHARLES KUMMETH TO
PROVIDE DISCOVERY PURSUANT TO 28 U.S.C. § 1782 FOR USE IN A
PROCEEDING BEFORE A FOREIGN TRIBUNAL

I, Matthew M. Leland, declare as follows:

1. I am a partner at McDermott Will & Emery LLP and counsel for Applicant Porton Capital, Inc. I submit this declaration in support of Porton Capital Inc.'s Application for an Order Directing Charles R. Kummeth to Provide Discovery Pursuant to 28 U.S.C. § 1782 for Use in a Proceeding Before a Foreign Tribunal. I have prepared this declaration to authenticate the documents attached hereto as exhibits.

2. Attached hereto as Exhibit 1 is a true and correct copy of the redacted Re-Amended Particulars of Claim, filed in the High Court of Justice, Queen's Bench Division, Commercial Court in London, United Kingdom.

3. Attached hereto as Exhibit 2 is a true and correct copy of the redacted Amended Defence and Counterclaim of First Defendant and Defence of Second Defendant, filed in the High Court of Justice, Queen's Bench Division, Commercial Court in London, United Kingdom.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the redacted Re-Amended Reply and Defence to Counterclaim, filed in the High Court of Justice, Queen's Bench Division, Commercial Court in London, United Kingdom.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Sale and Purchase Agreement between 3M UK Holdings Limited and for Acolyte Biomedica Limited shareholders, executed on February 14, 2007.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the email from Charles R. Kummeth to John McKinley, dated July 14, 2008.

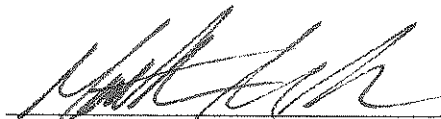
7. Attached hereto as **Exhibit 6** is a true and correct copy of the Subpoena to Testify at a Deposition issued to Charles R. Kummeth.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the LinkedIn profile page for Charles Kummeth, which is available at <http://www.linkedin.com/pub/charles-kummeth/b/6b9/792> (last visited January 18, 2011).

9. Attached hereto as **Exhibit 8** is a true and correct copy of the webpage showing the Thermo Fisher Scientific office location at 75 Panorama Creek Drive, Rochester, New York 14625, which is available at <http://www.nalgenunc.com/company/companyLocations.asp> (last visited January 18, 2011).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of January, 2011.



Matthew M. Leland (*pro hac vice* pending)
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